



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

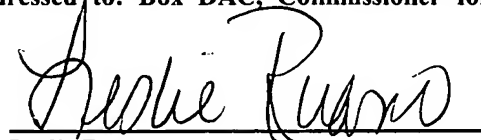
Applicant: P.A. R. Harris For: A FASTENER DEVICE
Serial No.: 10/027,176 Examiner:
Filing Date: December 20, 2001 Docket No.: GJ-220J

Box DAC
Commissioner for Patents
Washington, DC 20231

RECEIVED
FEB 26 2003
OFFICE OF PETITIONS

CERTIFICATE OF EXPRESS MAILING

I hereby certify that the attached correspondence is being deposited with the United States Postal Service, Express Mail Certificate No. EV296782806US, on this 21st day of February, 2003, in an envelope addressed to: Box DAC, Commissioner for Patents, Washington, DC 20231.


Leslie Ruano

**PETITION TO WITHDRAW A HOLDING OF ABANDONMENT
PURSUANT TO 37 CFR §1.181**

1. Applicant hereby petitions the Commissioner to withdraw the holding of abandonment pursuant to 37 CFR §1.181 and MPEP 711.03(c).
2. On May 23, 2002, a NOTICE TO FILE MISSING PARTS OF NON-PROVISIONAL APPLICATION was mailed to the applicant in the subject application (copy attached hereto as Exhibit A) stating that the oath or declaration was missing and that a substitute specimen was required.
3. It was not as possible to obtain the signature of the inventor as the inventor was deceased at the time the subject application was filed with the U.S. Patent and Trademark Office.
4. 37 CFR §1.42 (copy attached hereto as Exhibit B) states that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration.
5. Additionally, 37 CFR §1.64 (copy attached hereto as Exhibit C) states that if the person making the oath or declaration is not the inventor (§§1.42, 1.43, 1.47 or §1.67), the oath or declaration shall state the relationship of the person to the inventor, and that if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall state that the person is a legal representative and also state the citizenship, residence and mailing address of the legal representative.

6. Accordingly, after locating the legal representative of the deceased inventor, the legal representative executed a declaration for the subject application (copy attached hereto as Exhibit D) which was filed with the U.S. Patent and Trademark Office on December 23, 2002 with a substitute specification and the necessary fees.

7. A copy of the return receipt postcard showing receipt of the Declaration by the U.S. Patent and Trademark Office on December 30, 2002 is attached hereto as Exhibit E.

8. On January 21, 2003, applicant received a NOTICE OF INCOMPLETE REPLY (Exhibit F) stating that the reply of December 30, 2002 failed to include the signature of the inventor on the oath or declaration.

9. Applicant submits that the executed declaration filed on December 23, 2002 complies with both 37 CFR §1.42 and §1.64 as the declaration is signed by the legal representative of the deceased inventor, and states that the relationship of the person signing the declaration to the inventor is that of legal representative, and provides the legal representative's relevant information.

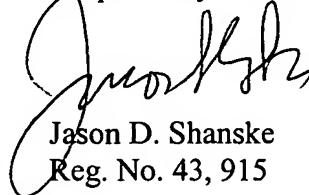
10. Accordingly, Applicant respectfully requests that the Commissioner withdraw the holding of abandonment of the subject application and accept the declaration signed by the legal representative of the inventor.

11. A check in the amount of \$130.00 is enclosed. Since Applicant believes that this petition was necessitated due to a mistake by the U.S. Patent and Trademark Office, Applicant respectfully requests that the U.S. Patent and Trademark Office refund the \$130.00 petition fee by crediting Deposit Account No. 09-0002.

If any payment during prosecution is found to be incorrect, please charge any deficiency or credit any overpayment to my deposit account No. 09-0002.

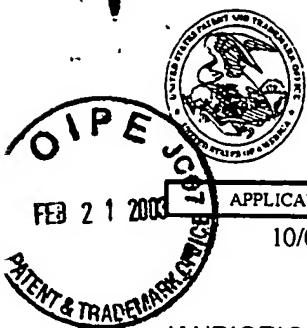
If for any reason this petition is found to be incomplete or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned or his associate, Joseph S. Iandiorio, collect in Waltham, Massachusetts (781) 890-5678.

Respectfully submitted,



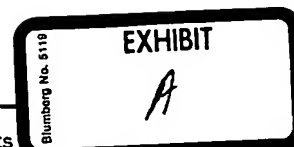
Jason D. Shanske
Reg. No. 43, 915

JDS:lr
Enclosures: Exhibits A-F



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES

WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER

10/027,176

FILING/RECEIPT DATE

12/20/2001

FIRST NAMED APPLICANT

Paul Anthony Reginald Harris

ATTORNEY DOCKET NUMBER

GJ-220J

LANDIORIO & TESKA
260 BEAR HILL ROAD
WALTHAM, MA 02451-1018

CONFIRMATION NO. 1854

FORMALITIES LETTER



OC000000008180936

Date Mailed: 05/23/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:
 - Papers contain hand lettering.

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

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A copy of this notice MUST be returned with the reply.



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



CONSOLIDATED PATENT RULES

§ 1.45

(4) The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any change effected under PCT Rule 92^{bis}. See § 1.497(d) and (f) for filing an oath or declaration naming an inventive entity different from the inventive entity named in the international application, or if a change to the inventive entity has been effected under PCT Rule 92^{bis} subsequent to the execution of any declaration filed under PCT Rule 4.17(iv) (§ 1.48(f)(1) does not apply to an international application entering the national stage under 35 U.S.C. 371).

(b) Unless the contrary is indicated the word “applicant” when used in these sections refers to the inventor or joint inventors who are applying for a patent, or to the person mentioned in §§ 1.42, 1.43 or 1.47 who is applying for a patent in place of the inventor.

(c) Any person authorized by the applicant may physically or electronically deliver an application for patent to the Office on behalf of the inventor or inventors, but an oath or declaration for the application (§ 1.63) can only be made in accordance with § 1.64.

(d) A showing may be required from the person filing the application that the filing was authorized where such authorization comes into question.

[48 FR 2708, Jan. 20, 1983; 48 FR 4285, Jan. 31, 1983; para. (a) revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; paras. (a) and (c) revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; para. (a)(4) revised, 67 FR 520, Jan. 4, 2002, effective Apr. 1, 2002]

§ 1.42 When the inventor is dead.

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent. Where the inventor dies during the time intervening between the filing of the application and the granting of a patent thereon, the letters patent may be issued to the legal representative upon proper intervention.

[48 FR 2709, Jan. 20, 1983, effective Feb. 27, 1983]

§ 1.43 When the inventor is insane or legally incapacitated.

In case an inventor is insane or otherwise legally incapacitated, the legal representative (guardian, conservator, etc.) of such inventor may make the necessary oath or declaration, and apply for and obtain the patent.

[48 FR 2709, Jan. 20, 1983, effective Feb. 27, 1983]

§ 1.44 [Reserved]

[Removed and reserved, 65 FR 54604, Sept. 8, 2000, effective Sept. 8, 2000]

§ 1.45 Joint inventors.

(a) Joint inventors must apply for a patent jointly and each must make the required oath or declaration: neither of them alone, nor less than the entire number, can apply for a patent for an invention invented by them jointly, except as provided in § 1.47.

(b) Inventors may apply for a patent jointly even though

(1) They did not physically work together or at the same time,

(2) Each inventor did not make the same type or amount of contribution, or

(3) Each inventor did not make a contribution to the subject matter of every claim of the application.

(c) If multiple inventors are named in a nonprovisional application, each named inventor must have made a contribution, individually or jointly, to the subject matter of at least one claim of the application and the application will be considered to be a joint application under 35 U.S.C. 116. If multiple inventors are named in a provisional application, each named inventor must have made a contribution, individually or jointly, to the subject matter disclosed in the provisional application and the provisional application will be considered to be a joint application under 35 U.S.C. 116.

[paras. (b) and (c), 47 FR 41274, Sept. 17, 1982, effective Oct. 1, 1982; 48 FR 2709, Jan. 20, 1983, effective Feb. 27, 1983; 50 FR 9379, Mar. 7, 1985, effective May 8, 1985; para. (c) revised, 60 FR 20195, Apr. 25, 1995, effective June 8, 1995]

§ 1.64

CONSOLIDATED PATENT RULES

or 365(c), a copy of the subsequently executed oath(s) or declaration(s) filed by the inventor or legal representative to join in the application.

(4) Where the power of attorney (or authorization of agent) or correspondence address was changed during the prosecution of the prior application, the change in power of attorney (or authorization of agent) or correspondence address must be identified in the continuation or divisional application. Otherwise, the Office may not recognize in the continuation or divisional application the change of power of attorney (or authorization of agent) or correspondence address during the prosecution of the prior application.

(5) A newly executed oath or declaration must be filed in a continuation or divisional application naming an inventor not named in the prior application.

(e) A newly executed oath or declaration must be filed in any continuation-in-part application, which application may name all, more, or fewer than all of the inventors named in the prior application.

[48 FR 2711, Jan. 20, 1983, added effective Feb. 27, 1983; 48 FR 4285, Jan. 31, 1983; paras. (b)(3) and (d), 57 FR 2021, Jan. 17, 1992, effective Mar. 16, 1992; para. (a) revised, 60 FR 20195, Apr. 25, 1995, effective June 8, 1995; paras. (a) & (d) revised, para. (c) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; paras. (a), (b), (c), and (e) revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000]

§ 1.64 Person making oath or declaration.

(a) The oath or declaration (§ 1.63), including any supplemental oath or declaration (§ 1.67), must be made by all of the actual inventors except as provided for in §§ 1.42, 1.43, 1.47, or § 1.67.

(b) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, 1.47, or § 1.67), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor is required to state. If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal

representative and the citizenship, residence, and mailing address of the legal representative.

[48 FR 2711, Jan. 20, 1983, added effective Feb. 27, 1983; revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000]

§ 1.66 Officers authorized to administer oaths.

(a) The oath or affirmation may be made before any person within the United States authorized by law to administer oaths. An oath made in a foreign country may be made before any diplomatic or consular officer of the United States authorized to administer oaths, or before any officer having an official seal and authorized to administer oaths in the foreign country in which the applicant may be, whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States, or by an apostille of an official designated by a foreign country which, by treaty or convention, accords like effect to apostilles of designated officials in the United States. The oath shall be attested in all cases in this and other countries, by the proper official seal of the officer before whom the oath or affirmation is made. Such oath or affirmation shall be valid as to execution if it complies with the laws of the State or country where made. When the person before whom the oath or affirmation is made in this country is not provided with a seal, his official character shall be established by competent evidence, as by a certificate from a clerk of a court of record or other proper officer having a seal.

(b) When the oath is taken before an officer in a country foreign to the United States, any accompanying application papers, except the drawings, must be attached together with the oath and a ribbon passed one or more times through all the sheets of the application, except the drawings, and the ends of said ribbon brought together under the seal before the latter is affixed and impressed, or each sheet must be impressed with the official seal of the officer before whom the oath is taken. If the papers as filed are not properly ribboned or each sheet impressed with the seal, the case will be accepted for examination, but before it is allowed, duplicate papers, prepared in compliance with the foregoing sentence, must be filed.

[47 FR 41275, Sept. 17, 1982, effective Oct. 1, 1982]

**COMBINED DECLARATION AND POWER OF ATTORNEY
IN ORIGINAL APPLICATION**

Blumberg No. 5119

EXHIBIT

D

**Attorney Docket No.
GJ-220J**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; that

I verily believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled: A FASTENER DEVICE described and claimed in the specification of U.S. Serial No. 10/027,176, filed December 20, 2001, that I understand the content of said specification, including the claims, that I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, that I acknowledge my duty to disclose information of which I am aware which is known to be material to patentability in accordance with 37 CFR 1.56, and that I have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows: PCT/GB99/03354

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

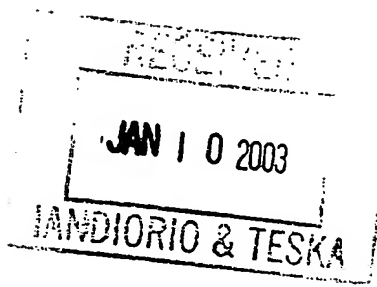
Joseph S. Iandiorio	Kirk Teska	Jason D. Shanske	Thomas E. Thompkins, Jr.	Roy J. Coleman
Reg. No. 23,095	Reg. No. 36,291	Reg. No. 43,915	Reg. No. 47,136	Reg. No. 48,863
R. Stephen Rosenholm	David W. Poirier			
Reg. No. 45,283	Reg. No. 43,007			

Address all telephone calls to the above named attorneys and/or agents at (781) 890-5678.

Address all correspondence to Iandiorio & Teska, 260 Bear Hill Road, Waltham, MA 02451-1018.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of 1st or sole inventor Paul Anthony Reginald Harris ✓ Paul Anthony Reginald Harris	Signature and name of legal representative of Paul Anthony Reginald Harris ✓ Maureen Harris <i>x M. Harris</i>	Date ~13th December 2002
Residence of the legal representative of Paul Anthony Reginald Harris United Kingdom		Citizenship British
Post office address of the legal representative of Paul Anthony Reginald Harris ✓ "Cloneen", Hindon Lane, Tisbury, Wiltshire SP3 6PU		
Full name of 2nd inventor	Inventor's signature	Date
Residence		Citizenship
Post office address		
Full name of 3rd inventor	Inventor's signature	Date
Residence		Citizenship
Post office address		



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OFFICE OF PETITIONS

The Patent Office date stamp sets forth the date of receipt of:

Applicant: P.A.R Harris
Serial No.: 10/027,176
Title: A FASTENER DEVICE

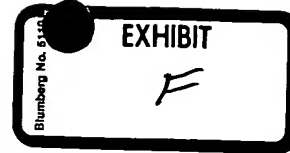
Docket No.: GJ-2203

Atty.'s initials: JDS:dg

Enclosed:

Cover letter and copy; a copy of the Notice to
File Missing Requirements; substitute
specification; Declaration and
Power of Attorney; Five-Month Extension of
Time; and a Check in the amount of \$980.00.





Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/027,176	12/20/2001	Paul Anthony Reginald Harris	GJ-220J

CONFIRMATION NO. 1854

IANDIORIO & TESKA
260 BEAR HILL ROAD
WALTHAM, MA 02451-1018

FORMALITIES LETTER

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OC000000009394976

JAN 21 2003

Date Mailed: 01/17/2003

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 12/30/2002 to the Notice to File Missing Parts (Notice) mailed 05/23/2002 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- The signature of the following inventor(s) is missing from the oath or declaration:
Paul Anthony Reginald Harris

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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FEB 26 2003

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